

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

SELECT JUDGE BEFORE SELECT Case No.:

Howard

United States of America

v.

David Gerald Byrd

)

Case No: 5:04-CR-00166-H-003

USM No: 24815-056

Defendant's Attorney Thomas P. McNamara

Date of Original Judgment: April 21, 2009

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Applicable)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months is reduced to \_\_\_\_\_

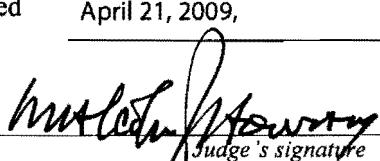
The defendant was sentenced at the statutory minimum and that minimum did not change as a result of the retroactive amendment.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

*(Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment(s) dated \_\_\_\_\_ shall remain in effect. . **IT IS SO ORDERED**

April 21, 2009,

Order Date: 11/21/12


Judge's signature

Effective Date: \_\_\_\_\_  
*(if different from order date)*

Malcolm J. Howard, Senior U.S. District Judge

Printed name and title